



# Legal Avenues

## Your Road to Solutions

### Relationships with Clients: Suggestions for Dealing with Difficult Situations

Angry and/or uncooperative clients are an issue that every attorney has to deal with sometime in his or her career. Professionals recommend specific strategies to defuse emotionally charged situations and to prevent them from occurring.

Initially, the attorney can find out if the client has a hidden agenda by asking what his greatest concerns are if the legal matter does not have a result in his favor.<sup>1</sup> The response to this question can indicate if the client has any fear about exploitation or retaliation from the other party. The attorney should make the client aware of the plan of action regarding the legal issues and the possible outcomes.<sup>2</sup>

#### Angry Clients

In *You and Your Clients* by Stanley Clawar, the author recommends very direct communication with clients. For example, if a client is angry, the attorney should ask the client why they are angry, explain the consequences of the continued expression of anger and discuss the expectations the client has regarding what the attorney can do about the situation that is causing the anger. He points out that it may be appropriate to suggest that the client undergo counseling to find ways to deal with the anger.<sup>3</sup> If the attorney does not have a particular counselor to refer the client to, a referral agency such as Stark County's 211 service through the United Way can provide a referral.

#### Uncooperative Clients

Some clients neglect to take action when it is needed. This may be because they fear the outcome will be negative, they don't understand the issues, or they are benefiting in some way from the status quo. To encourage the client to act, the attorney needs to communicate specifically what needs to be done, the deadlines to be met, and the consequences for not complying.<sup>4</sup>

When working with an elderly client, several short meetings may be more productive than a single long meeting. The client will not tire as easily and will have more time to consider options regarding complex decisions.<sup>5</sup>

The records location checklist can be helpful to the elderly client and to any client experiencing stress. It lists the type of record, its location, and information relevant to it.<sup>6</sup>

#### Unreasonable Clients

Some clients ask the attorney to go beyond their role of advising what the possible consequences are of a situation and ask the attorney to make a decision regarding which course of action the client should take. The attorney needs to let the client know he cannot make the decision for the client and suggest that the client confer with someone he has confidence in to help make the decision.

In disputes between clients and attorneys there is often disagreement about what advice the attorney provided, so the explanation to the client of the options available and the consequences of the actions that are being considered should always be documented.<sup>7</sup>

#### Footnotes

<sup>1</sup>Clawar, Stanley S. *You & Your Clients: A Guide to Client Management Skills for a More Successful Practice* 3 (2d ed. 1996).

<sup>2</sup>Ibid., p. 5-7.

<sup>3</sup>Ibid. p. 15-16.

<sup>4</sup>Ibid. p. 8-11

<sup>5</sup>Frolik, Lawrence A. and Melissa C. Brown. *Advising the Elderly or Disabled Client* 1-12.

<sup>6</sup>Ibid., p.2-2.

<sup>7</sup>Curtis, Justice Carole. "How to Handle Difficult Clients: Pointers That Will Help You Stay Sane and Safe." 36 *Law Practice* 40-42 (July/August 2010) and available at: <[http://www.americanbar.org/publications/law\\_practice\\_home/law\\_practice\\_archive/lpm\\_magazine\\_articles\\_v36\\_is4\\_pg40.html](http://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v36_is4_pg40.html)> "Recognizing Difficult Client Types" at <[http://www.americanbar.org/publications/law\\_practice\\_home/law\\_practice\\_archive/lpm\\_magazine\\_articles\\_v36\\_is4\\_pg41.html](http://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v36_is4_pg41.html)>

Ten percent of the population has high-conflict personality disorder and another ten to fifteen percent exhibit some high-conflict patterns. People with these characteristics tend to place the blame for their problems on others, not accepting any responsibility for difficulties. It is often challenging to recognize this type of personality in an initial meeting.<sup>8</sup>

In one variation of this disorder, the individual constantly fears abandonment. He tends to begin the attorney-client relationship with overflowing praise and high expectations, but can use emotional outbursts to seek to control and to manipulate the attorney.

When dealing with high-conflict personality clients the attorney needs to set clear boundaries. Laxity with the rules with this type of personality tends to increase the level of emotional intensity. Maintain your professionalism at all times, to discourage the client from becoming disrespectful. Confirm that what the client states is an accurate portrayal of the situation. When interacting with the client give her your full attention, maintaining direct eye contact and eliminating distractions.<sup>9</sup>

There are some clients who want to follow a specific course of action even though the lawyer has informed them it is inappropriate. In this situation, the attorney can try the “yes, if; no, but” tactic. The “yes, if” option involves the lawyer telling the client a specific course of action can be followed only if the client meets certain specific conditions. Even if the conditions would be nearly impossible to meet, it gives the client a sense of being in control. The attorney may have the alternative of telling the client that the specific action the client wants to take cannot be done, but there are other possible actions that would result in the same or similar outcome.<sup>10</sup>

## Potentially Dangerous Clients

The following actions are indications that the client could become dangerous:

- Faults the attorney for problems that the attorney has not caused
- Threatens to file a malpractice claim or grievance with the bar association
- States that he/she will seek revenge
- Emotional outbursts
- Appears to be intoxicated
- Arrest for domestic violence or other crime
- Expresses distrust of others

These signs alone do not indicate that the attorney is in danger, but the more of these markers that are present, the more likely it is that the situation could become volatile.<sup>11</sup>

To create a safer environment when meeting clients attorneys should:

- Meet clients in an area where there are other people.
- Explain the legal process to the client and the client’s responsibilities throughout the process.
- Be aware of the client’s level of anger, i.e. whether or not it is increasing.
- Communicate with the client’s family to gather information about the client’s mental state.<sup>12</sup>

Clients’ inappropriate actions and inactions can have very negative effects on their attorney’s ability to provide effective representation.<sup>13</sup> Attorneys need to identify problem behaviors and point out explicitly that the attorney cannot complete the requested action unless the client ceases the obstructing behavior or the client fulfills his responsibilities.<sup>14</sup>

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## Footnotes

<sup>8</sup>Fisher, Paul. “Identifying and Managing Difficult, High-Conflict Personality Clients.” 26 *Probate and Property* 56 (January/February 2012) also available at: [http://fishermediation.com/assets/pdf/ABA-Identifying\\_Managing\\_Diff\\_High\\_Conflict\\_Clients.pdf](http://fishermediation.com/assets/pdf/ABA-Identifying_Managing_Diff_High_Conflict_Clients.pdf)

<sup>9</sup>Ibid., 61.

<sup>10</sup>Meyerowitz, Stephen A. “How to Handle Difficult Clients” 22 *Pennsylvania Lawyer* 30 (July/August 2000) also available at: <http://practice.findlaw.com/practice-guide/how-to-handle-difficult-clients.html>

<sup>11</sup>Cogan, Dana L. “Keeping Your Staff and Yourself Safe: The Angry Client” 34 *Family Advocate* 26 (Spring 2012) and at: <http://www.danacoganmd.com/files/articles/Keeping%20Yourself%20Safe.pdf>

<sup>12</sup> Ibid., 27.

<sup>13</sup>Brown, Alexander and Leopold, Mary R. “Working with Challenging Clients” 24 *Chicago Bar Association Record* 42 (April 2010)

<sup>14</sup>Cogan, 25.